

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE CHARGESHEET) NO. 6898 of 2026**

=====

GOKULBHAI CHITHARBHAI KARMATIYA  
Versus  
STATE OF GUJARAT

=====

**Appearance:**

MR BM MANGUKIYA(437) for the Applicant(s) No. 1  
MS BELA A PRAJAPATI(1946) for the Applicant(s) No. 1  
MR. KISHAN H DAIYA(6929) for the Respondent(s) No. 1  
MR JK SHAH, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

=====

**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 02/04/2026****ORAL ORDER**

1. Heard learned advocate Mr. B.M. Mangukiya appearing on behalf of the applicants, learned Additional Public Prosecutor Mr. J.K.Shah appearing on behalf of the respondent-State and learned advocate Mr. Dhaval Shrimal for learned advocate Mr. Kishan Daiya for the original complainant.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed these application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11198068260066 of 2026 registered with Bharatnagar Police Station, Bhavnagar, for the offence

punishable under Sections 316(2), 316(5), 351(3), 352, 308(5), 3(5) and 204 of the BNS and Sections 40 and 42 of the Gujarat Money Lending Act.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor and learned advocate Mr. Shrimal appearing for the respondent - State and original complainant have vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant, this Court may not exercise the discretion in favour of the applicants and the applications may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- (i) The FIR prima facie appearing to be abuse of the process of law, more particularly the FIR inter alia alleging that the registered sale deed, which is entered into by the father of the complainant with relative of the present applicant, was for the purpose

of security for a loan, which had been availed of by the complainant and whereas the present applicant and other accused having sold off the property in question, without any reference to the complainant or his family members.

- (ii) Prima facie, it would appear that the registered sale deed in question, which is entered into by the complainant with the father of the complainant with the relatives of the applicant was entered in the year 2018. It also appears that the sale deed does not contain any averment as regards the sale deed being entered into as security for any loan obtained by the father of the complainant and his family members.
- (iii) The fact of the property having been sold in the year 2021 and whereas the complaint being filed in year 2026, after a delay of four years.
- (iv) Certain other allegations of misrepresentation etc. having been levelled, yet, prima facie, it would appear that the same may not be co-relatable with the main allegation in the FIR.
- (v) The fact of no Civil Suit being filed in the interregnum.
- (vi) Considering the above, this Court is inclined to direct to release the applicant.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay**

**Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.**

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

8. Hence, the present applications are allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No.11198068260066 of 2026 registered with Bharatnagar Police Station, Bhavnagar, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and

shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a month for a period of six months before the concerned police station.

9. The Authorities will release the applicants only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

10. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

11. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

A copy of this order shall also be sent to the

Superintendent of Police, Bhavnagar, for information and necessary action, if any.

Bhoomi

**(NIKHIL S. KARIEL,J)**